

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

JAMES G. ABOUREZK; JANE FONDA;)	
ROXANNE DUNBAR-ORTIZ,)	Civ. No. 03-4146
)	
Plaintiffs,)	
)	DEFENDANTS' MOTION
vs.)	FOR SUMMARY JUDGMENT
)	
PROBUSH.COM, INC., a Pennsylvania)	
Corporation; MICHAEL MARINO; and)	
BEN MARINO,)	
)	
Defendants.)	
)	

COME NOW Defendants ProBush.com, Inc., Michael Marino, and Ben Marino, pursuant to Federal Rule of Civil Procedure 56(a) and (c), do hereby respectfully move for summary judgment against Plaintiffs James G. Abourezk, Jane Fonda, and Roxanne Dunbar-Ortiz.

This motion is made on the basis that the Plaintiffs' claims are barred by the First Amendment to the United States Constitution and that there are no genuine issues of material fact and the Defendants are entitled to judgment as a matter of law. The motion is supported by an accompanying brief, statement of material facts with attached exhibits, all of which are hereby incorporated by reference.

WHEREFORE, the Defendants respectfully request that this Honorable Court grant their Motion for Summary Judgment.

Dated this 1st day of July, 2005.

**JOHNSON, HEIDPRIEM, MINER,
MARLOW & JANKLOW, L.L.P.**

BY /S/ RONALD A. PARSONS, JR.

Ronald A. Parsons, Jr.
Kimberly J. Lanham
P.O. Box 1107
Sioux Falls, SD 57101-1107
(605) 338-4304

Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of **Defendants' Motion for Summary Judgment** was served electronically on:

Todd D. Epp
ABOUREZK LAW OFFICES, P.C.
P.O. Box 1164
Sioux Falls, SD 57101-1164

Attorneys for the Plaintiffs

on this 1st day of July, 2005.

/S/ Ronald A. Parsons, Jr.
Ronald A. Parsons, Jr.